

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,

Defendants.

Case No. 18-cv-07591-CRB

ORDER ON MODE OF TRIAL

The Court asked the parties to brief whether the Court must try the remaining claims—for public nuisance (Cal. Civ. Code §§3479-3480), violation of California’s Unfair Competition Law (“UCL”) (Cal. Bus. & Prof. Code §17200, et seq.), and violation of California’s False Advertising Law (“FAL”) (Cal. Bus. & Prof. Code §17500, et seq.)—by judge or jury. Dkt. 322. The parties both complied, see dkt. 386, 388, 395, 396, and the Court has carefully reviewed the parties’ submissions.

The Court concludes that the UCL and FAL claims each necessitate a jury trial. See Tull v. United States, 481 U.S. 412, 423 (1987); Nationwide Biweekly Admin., Inc. v. Superior Court of Alameda County, 9 Cal 5th 279, 326 (2020). The Court takes under submission the question of whether the public nuisance claim necessitates a jury trial. The Court plans to empanel a jury to hear evidence on all the claims and will decide at the conclusion of trial whether the jury’s

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determination with respect to the public nuisance claim is binding or advisory.

IT IS SO ORDERED.

Dated: January 12, 2021



CHARLES R. BREYER
United States District Judge